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THE WHITE HOUSE

Washington

September 23, 1958

MEMORANDUM FOR

THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

I shall henceforth hold responsible the head of each department and agency of the Executive Branch for insuring that classified defense information of this Government is furnished to foreign governments in accordance with the criteria and procedures stated in the attached "BASIC POLICY GOVERNING THE RELEASE OF CLASSIFIED DEFENSE INFORMATION TO FOREIGN GOVERNMENTS" which is hereby approved.

My directive of May 25, 1953 titled "MAKING CLASSIFIED SECURITY INFORMATION AVAILABLE TO FOREIGN NATIONALS" is hereby revoked. The provisions of Executive Order No. 10501 dated November 5, 1953, shall continue to apply to the handling of classified defense information within the U. S. Government, but shall not apply to its dissemination to, or handling by, a foreign government under the terms of this directive.

/s/ DWIGHT D. EISENHOWER

NSC Declassification/Release Instructions on File

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**BASIC POLICY GOVERNING THE RELEASE OF CLASSIFIED DEFENSE INFORMATION
TO FOREIGN GOVERNMENTS**

It is essential to the defense interest of the United States that this Government closely cooperate with certain foreign governments to the extent of furnishing classified defense information, as defined in E. O. 10501, to such governments. The protection of such information released to foreign governments is principally secured by the assurance of the receiving government that such information will be appropriately safeguarded within that government. To establish uniform procedures and to provide for the security of information so released, all departments and agencies shall be guided by the policy set forth herein.

A. FOR THE PURPOSE OF THIS POLICY, THE FOLLOWING DEFINITIONS ARE ADOPTED

1. **MILITARY INFORMATION.** Military information is information under the control or jurisdiction of the Department of Defense, its departments or agencies, or of primary interest to them.
2. **ORIGINAL RECIPIENTS.** Original recipients are considered as those representatives, civil or military, of a foreign government who, either individually or collectively, directly receive from the United States Government classified defense information being communicated or transmitted to their government.
3. **SECURITY ASSURANCE.** A security assurance is a certification by the receiving government stating in substance that its representatives, civil or military, have been specifically approved by that government to receive classified defense information from the United States Government.

B. CLASSIFIED NON-MILITARY DEFENSE INFORMATION

Classified non-military defense information shall only be released to foreign governments upon compliance with the following conditions:

1. A determination is made by a responsible official of the releasing department or agency that the furnishing of classified defense information will result in a net advantage to the defense interests of the United States. In making such determination the following conditions must be met:

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- (a) Disclosure is consistent with the foreign policy of the United States toward the recipient nation.
 - (b) Disclosure is consistent with the policies of the United States Government with regard to the Atomic Energy Act of 1954 as amended or with regard to information for which special procedures for release have been or may hereafter be established by competent authority having statutory jurisdiction over the subject matter.
 - (c) Disclosure is consistent with the defense interests of the United States.
 - (d) Disclosure is limited to information necessary to the purpose for which disclosure is made.
2. Additionally, the recipient government must have agreed, either generally or in the particular case, to the following:
- (a) The recipient government will not release the information to a third government without the approval of the United States.
 - (b) The recipient government will undertake to afford the information substantially the same degree of protection afforded it by the United States, ~~including prosecution for unlawful disclosure.~~
 - (c) The recipient government will not use the information for other than the purpose given.
 - (d) The recipient government will, in the absence of or pursuant to the provisions of any existing agreement with the United States Government, respect any private rights such as patents, copy rights or trade secrets which are involved in the information.

The Head of any department or agency or senior United States representative in any foreign country or jurisdiction, or other responsible official when specifically designated by such officer, is authorized to waive the requirements set forth in B.2(a), (b), and (c) above when deemed necessary, taking into account that the principal means of assuring that the information will be appropriately safeguarded within the receiving government has been thereby eliminated.

C. CLASSIFIED MILITARY DEFENSE INFORMATION

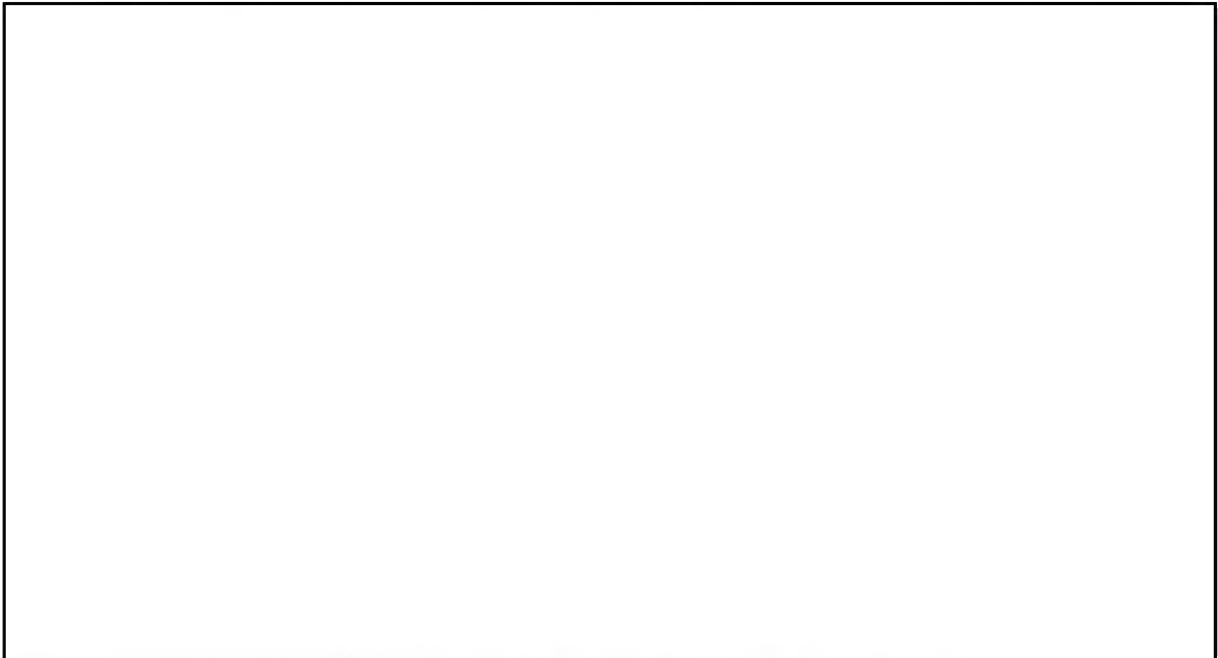
The release of classified military information, as defined in paragraph A.1. above, is governed by the "Basic Policy Governing the

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"Disclosure of Classified Military Information to Foreign Governments" approved by the President on February 27, 1946, and annexed hereto, and also in accordance with the provisions of Paragraphs D through F, inclusive, of this Directive.



F. INFORMATION ORIGINATING IN ANOTHER DEPARTMENT OR AGENCY

Except as otherwise provided by Section 102 of the National Security Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, 50 U.S.C., sec. 403, classified defense information, including that pertaining to sources of intelligence and method of its acquisition, originated in another department or agency shall not be released to a foreign government without the consent of the originating department or agency.

G. APPLICABILITY TO AGREEMENTS MADE PURSUANT TO THE ATOMIC ENERGY ACT AND IMPLEMENTATIONS OF FEDERAL STATUTES

The requirements stated herein shall have no application to agreements for cooperation arranged pursuant to the provisions of the Atomic Energy Act of 1954, as amended. Nothing contained in any policy or requirement herein shall be construed to supersede or modify any policy or regulation promulgated pursuant to any Federal statute.

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